

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.
6.900 ACRES OF LAND, MORE OR LESS,
SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS, AND THE ESTATE
OF MALCOLM G. DYER, ER AL.

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CASE NO.: 7:20-CV-152

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through [the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security], for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Manuel Muniz Lorenzi*
MANUEL MUNIZ LORENZI
Assistant United States Attorney
Southern District of Texas No. 338159
Puerto Rico Bar No. 21246
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 992-9425
E-mail: MMunizLorenzi@usa.doj.gov

SCHEDULE A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Hidalgo County, Texas

Tracts: RGV-WSL-1020, RGV-WSL-1033

Owner: Estate of Malcolm G. Dyer, et al.

Acres: 6.900

RGV-WSL-1020 (2.525 acres)

Being a 2.525 acre (110,000 square feet) parcel of land, more or less, being out of the Gregorio Comacho Survey, Abstract No. 28, Hidalgo County, Texas, located in Porción 68, being out of Lots 1 and 2, Block 15 of A.J. McColl Subdivision recorded in Volume 21, Page 597, Deed Records of Hidalgo County, Texas conveyed to Malcom G. Dyer by Quitclaim Deed with Vendor's Lien recorded in Volume 3357, Page 393, Deed Records of Hidalgo County, Texas, same being out of a called 247 acre tract conveyed to Capote Farms, Inc. by Warranty Deed with Vendor's Lien recorded in Instrument No. 1976-25373, Deed Records of Hidalgo County, Texas, and being out of a called 37.4 acre tract conveyed to Malcom G. Dyer and Mary Agnes Dyer by Warranty Deed recorded in Volume 2613, Page 712, Deed Records of Hidalgo County, Texas, said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a found 1/2" rebar at the northwest corner of a called 0.50 of one acre tract conveyed to Domingo Perez and wife, Guadalupe R. Perez by Correction Warranty Deed recorded in Volume 1844, Page 185, Deed Records of Hidalgo County, Texas and the northeast corner of the east portion of the remainder of a called 72.000 acre tract conveyed to Chet L. Miller, III by Special Warranty Deed recorded in Instrument No. 2009-1991556, Official Records of Hidalgo County, Texas, said point being in the south line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 431, Page 475, Deed Records of Hidalgo County, Texas ("90-H") and the south right-of-way line of Doffin Canal Road, said point having the coordinates of N=16558735.629, E=1073761.626;

Thence: S 85-19-45 E, with the south right-of-way line of Doffin Canal Road, the south line of the "90-H" river levee right-of-way and the north line of the 0.50 of one acre Perez tract, passing at 104.85' the northeast corner of the 0.50 of one acre Perez tract and the northwest corner of a called 0.50 of one acre tract conveyed to Susana C. Gaona by General Warranty Deed with Vendor's Lien recorded in Instrument No. 2005-1515371, Official Records of Hidalgo County, Texas, continuing in all a total distance of 209.21' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1018-2=1020-1" for the **Place of Beginning** and northwest corner of Tract RGV-WSL-1020, said point being at the northeast corner of the 0.50 of one acre Gaona tract, the northwest corner of the Dyer tract and a southerly corner of the "90-H" river levee right-of-way, said point being in the

south right-of-way line of Doffin Canal Road, said point having the coordinates of N=16558718.593, E=1073970.137, said point bears S 80-48-25 E, a distance of 1636.32' from United States Army Corps of Engineers Control Point No. 108;

SCHEDULE C, cont'd

Thence: S 63-20-45 E, with the south right-of-way line of Doffin Canal Road, the south line of the "90-H" river levee right-of-way and the north line of the Dyer tract, for a distance of 1131.71' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-2" for the east corner of Tract RGV-WSL-1020, said point being in the north line of the Dyer tract, the south line of the "90-H" river levee right-of-way and the south right-of-way line of Doffin Canal Road;

Thence: departing the south line of the "90-H" river levee right-of-way and the south right-of-way line of Doffin Canal Road, over and across the Dyer tract, the following courses and distances:

- N 79-52-19 W, for a distance of 262.37' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-3" for a point of curvature to the left;
- Along said curve to the left for an arc distance of 440.87', with a central angle of 20-26-55 and a radius of 1235.30', with a chord bearing of N 72-02-46 W, for a distance of 438.54' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-4";
- N 63-16-18 W, for a distance of 386.91' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-5" for a point of curvature to the left;
- Along said curve to the left for an arc distance of 13.96', with a central angle of 1-13-49 and a radius of 650.00', with a chord bearing of N 63-53-20 W, for a distance of 13.96' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-6" for the southwest corner of Tract RGV-WSL-1020, said point being in the west line of the Dyer tract and the east line of the 0.50 of one acre Gaona tract;

Thence: N 08-36-13 E, with the west line of the Dyer tract and the east line of the 0.50 of one acre Gaona tract, for a distance of 147.88' to the **Place of Beginning**.

SCHEDULE C, cont'd

RGV-WSL-1033 (4.375 acres)

Being a 4.375 acre (190,563 square feet) parcel of land, more or less, being out of the Gregerio Comacho Survey, Abstract No. 28, Hidalgo County, Texas, located in Porción 68, being out of Lot 2, Block 15 of A.J. McColl Subdivision recorded in Volume 21, Page 597, Deed Records of Hidalgo County, Texas as conveyed to Malcom G. Dyer by Quitclaim Deed with Vendor's Lien recorded in Volume 3357, Page 393, Official Records of Hidalgo County, Texas and being out of a called 37.4 acre tract conveyed to Malcom G. Dyer and Mary Agnes Dyer by Warranty Deed recorded in Volume 2613, Page 712, Deed Records of Hidalgo County, Texas ("Tract II"), said parcel of land being more particularly described by metes and bounds as follows;

Beginning at a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-1=1022-5" for the southeast corner of Tract RGV-WSL-1033, said point being in the east line of the 34.7 acre tract, the east line of Lot 2, Block 15 and the west line of a called 24.36 acre tract conveyed to Tax Ranch L.L.C. by Tax Resale Deed recorded in Instrument No. 2016-2719236, Official Records of Hidalgo County, Texas ("Tract No. 1"), said point having the coordinates of N=16557287.946, E=1076701.730;

Thence: departing the west line of the 24.36 acre tract, over and across the 34.7 acre tract and Lot 2, Block 15, the following courses and distances:

- N 81-21-44 W, for a distance of 105.25' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-2" for a point of curvature to the right;
- Along said curve to the right for an arc distance of 223.33', with a central angle of 17-03-40 and a radius of 750.00', with a chord bearing of N 72-49-55 W, for a distance of 222.50' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-3" for the point of tangency;
- N 64-18-05 W, for a distance of 965.02' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-4" for the southwest corner of Tract RGV-WSL-1033;

SCHEDULE C, cont'd

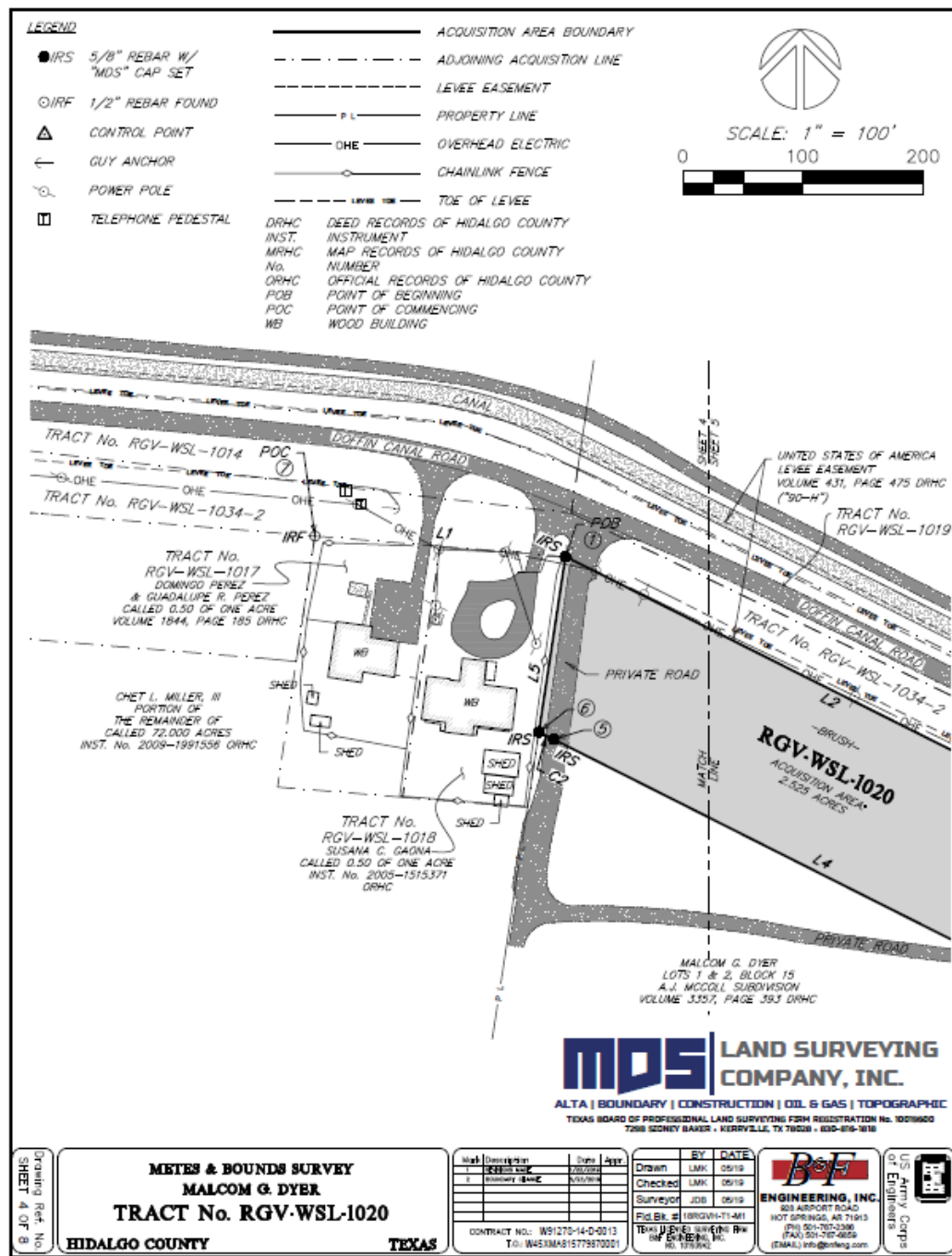
- N 29-19-51 W, for a distance of 197.35' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-5" for a point of curvature to the left;
- Along said curve to the left for an arc distance of 79.81', with a central angle of 24-29-21 and a radius of 186.72', with a chord bearing of N 42-20-07 W, for a distance of 79.20' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1033-6" for the northwest corner of Tract RGV-WSL-1033, said point being in the north line of the 34.7 acre tract, the south line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 431, Page 475, Deed Records of Hidalgo County, Texas ("90-H"), the south line of a tract of land conveyed to Hidalgo County Water Improvement District No. Two by Warranty Deed recorded in Volume 120, Page 531, Deed Records of Hidalgo County, Texas ("Canals and Laterals Tract") and the south right-of-way line of Doffin Canal Road, said point bears S 72-17-17 E, a distance of 3160.47' from United States Army Corps of Engineers Control Point No. 108;

Thence: with the north line of the 34.7 acre tract, the south line of the "90-H" river levee right-of-way, the south line of the "Canals and Laterals" tract and the south right-of-way line of Doffin Canal Road, over and across Lot 2, Block 15, the following courses and distances:

- S 63-55-35 E (S 63-51-00 E, Record), for a distance of 1182.43' to a found International Boundary and Water Commission monument for an angle point of Tract RGV-WSL-1033;
- S 70-33-45 E (S 70-26-00 E, Record), for a distance of 109.10' to a found International Boundary and Water Commission monument for an angle point of Tract RGV-WSL-1033;
- S 76-22-44 E (S 76-15-00 E, Record), for a distance of 106.50' to a found International Boundary and Water Commission monument for an angle point of Tract RGV-WSL-1033;
- S 79-22-47 E (S 79-15-00 E, Record), for a distance of 89.17' to a found 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-WSL-1020-7=1022-1" for the northeast corner of Tract RGV-WSL-1033, said point being at the northeast corner of the 34.7 acre tract and the northwest corner of the 24.36 acre tract, said point being in the east line of Lot 2, Block 15, the south line of the "Canals and Laterals" tract, the south line of the "90-H" river levee right-of-way and the south right-of-way line of Doffin Canal Road;

Thence: S 08-30-16 W (S 08-38-00 W, Record), departing the south line of the "Canals and Laterals" tract, the south line of the "90-H" river levee right-of-way and the south right-of-way line of Doffin Canal Road, with the east line of the 34.7 acre tract, the east line of Lot 2, Block 15 and the west line of the 24.36 acre tract, for a distance of 134.50' to the **Place of Beginning**.

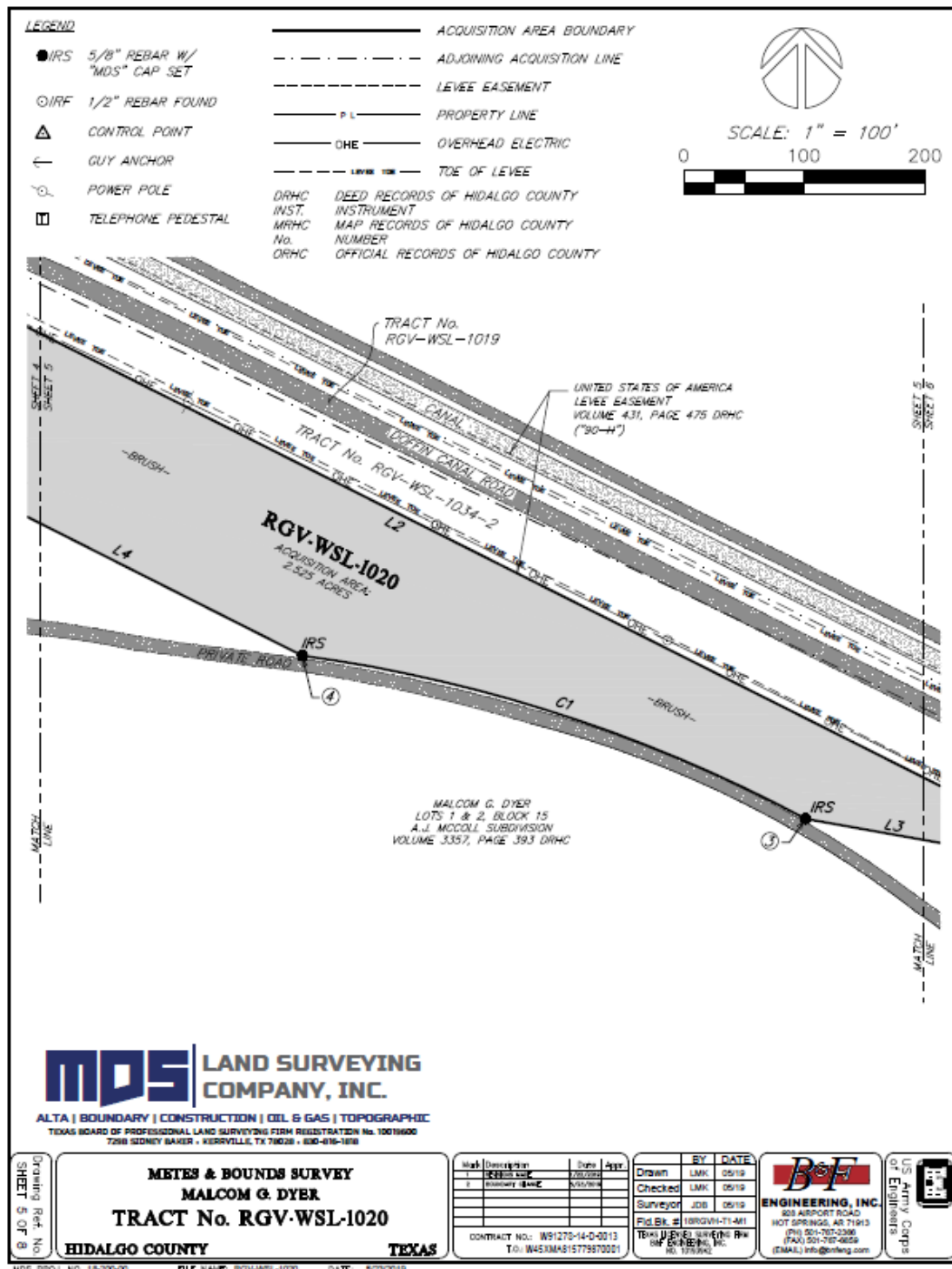
SCHEDULE D

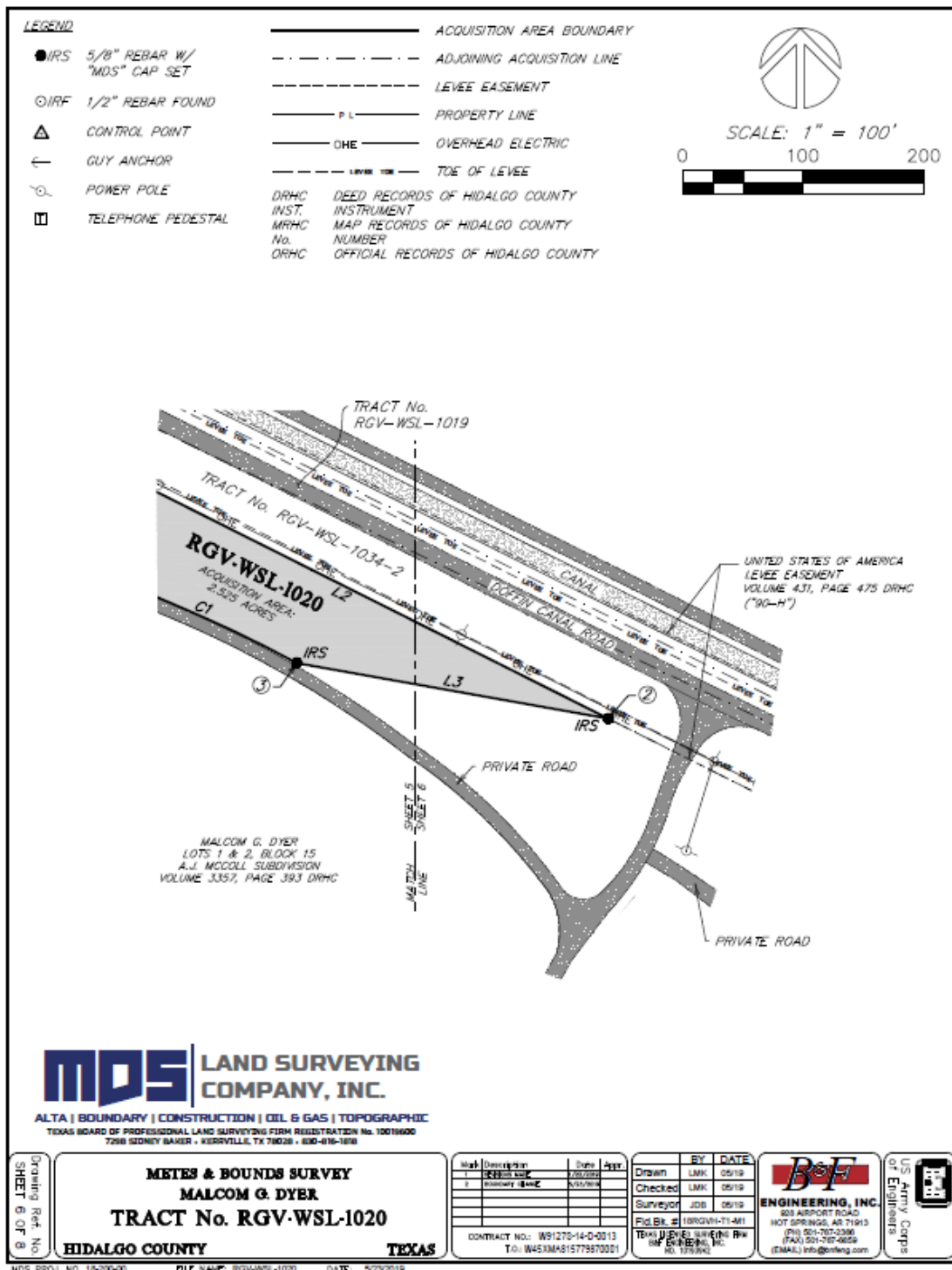
SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED**

Tracts: RGV-WSL-1020, RGV-WSL-1033

Owner: Estate of Malcolm G. Dyer, et al.

Acreage: 6.900

SCHEDULE D, cont'd

SCHEDULE D, cont'd

SCHEDULE D, cont'd

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	S 85°19'45" E	209.21'	N/A	N/A
L2	S 63°20'45" E	1131.71'	N/A	N/A
L3	N 79°52'19" W	262.37'	N/A	N/A
L4	N 63°16'18" W	386.91'	N/A	N/A
L5	N 08°36'13" E	147.88'	N/A	N/A

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1235.30'	440.87'	438.54'	N 72°02'46" W	20°26'55"
C2	650.00'	13.96'	13.96'	N 63°53'20" W	173°49"

COORDINATE TABLE			
MONUMENT No.	NORTHING	EASTING	MONUMENT NAME
1	16558718.593	1073970.137	RGV-WSL-1018-2=1020-1
2	16558210.903	1074981.576	RGV-WSL-1020-2
3	16558257.040	1074723.296	RGV-WSL-1020-3
4	16558392.219	1074306.112	RGV-WSL-1020-4
5	16558566.235	1073960.547	RGV-WSL-1020-5
6	16558572.378	1073948.014	RGV-WSL-1020-6
7	16558735.629	1073761.626	RGV-WSL-1015-1-2=1017-1

NOTES:

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TxDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 09/12/2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.
8. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON OCTOBER 5, 2018 (TICKET NOS. 582714827 & 582715123).



ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION NO. 10079600
7298 SEDNEY BAKER • KERRVILLE, TX 78028 • 830-816-1818

Drawing Ref. No.
SHEET 7 OF 8

METES & BOUNDS SURVEY
MALCOM G. DYER
TRACT No. RGV-WSL-1020
HIDALGO COUNTY TEXAS

Rev	Description	Date	Appr
1	Original	2/20/19	
2	Revised	2/20/19	

BY	DATE
Drawn LMK	05/19
Checked LMK	05/19
Surveyor JOB	05/19
Fig. Bk. #	19R02VH-T1-M1
Text Bk. #	19R02VH-T1-M1
of B&F	19R02VH-T1-M1

B&F ENGINEERING, INC.
808 AIRPORT ROAD
HOT SPRINGS, AR 71913
(PH) 501-707-0336
(FAX) 501-707-0659
(EMAIL) info@bmfeng.com

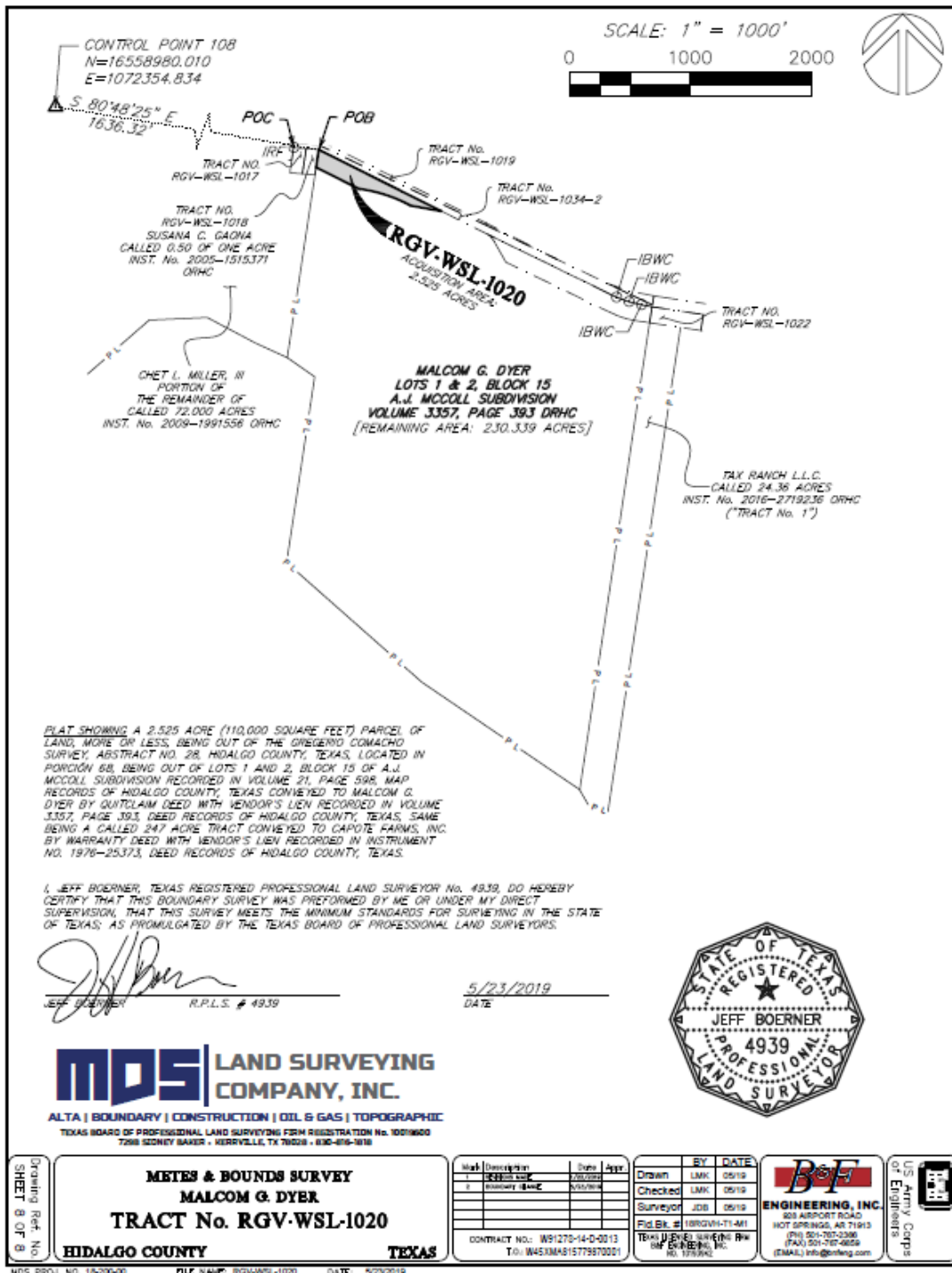


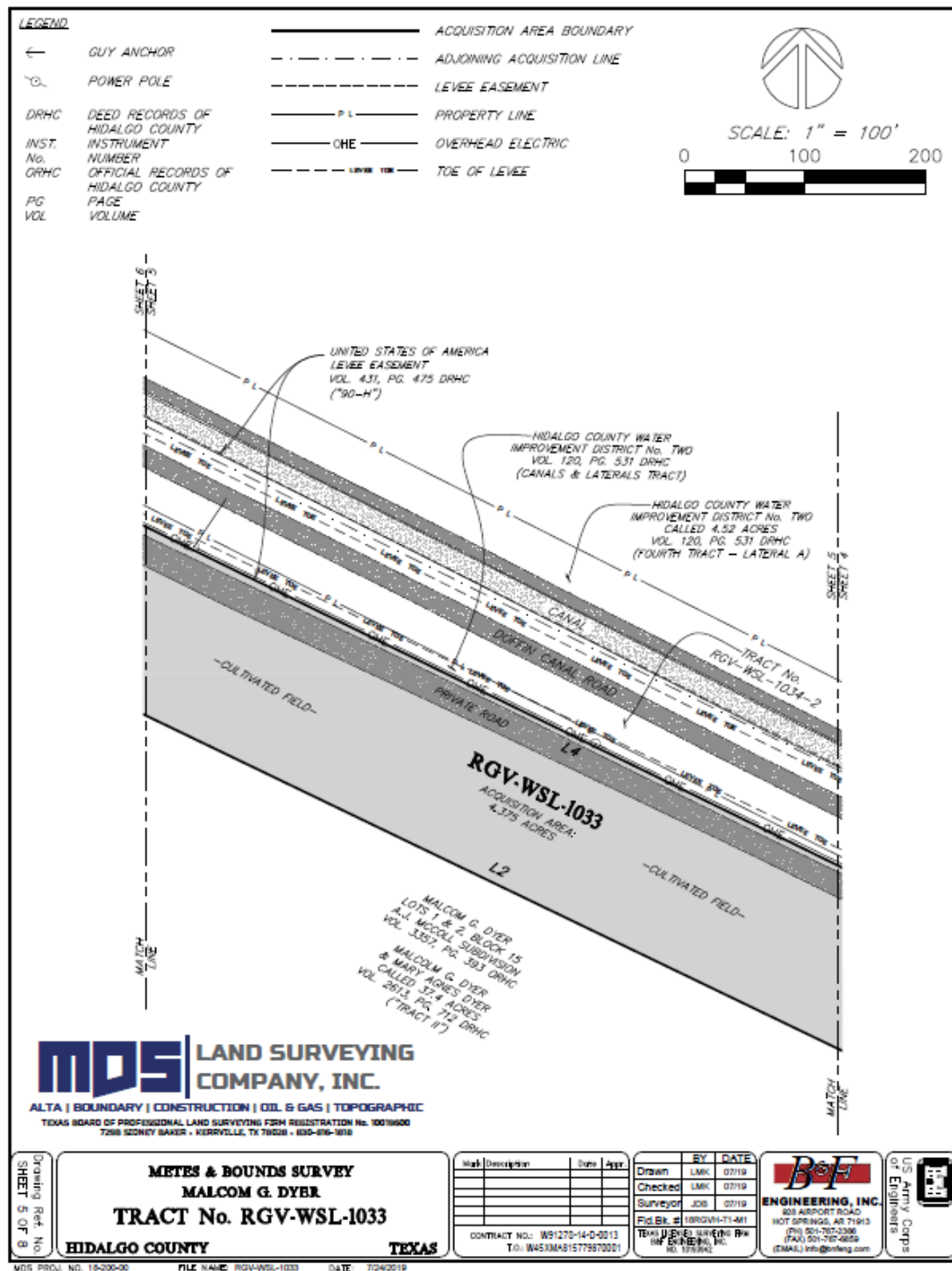
MDS PROJ. NO. 15-200-00

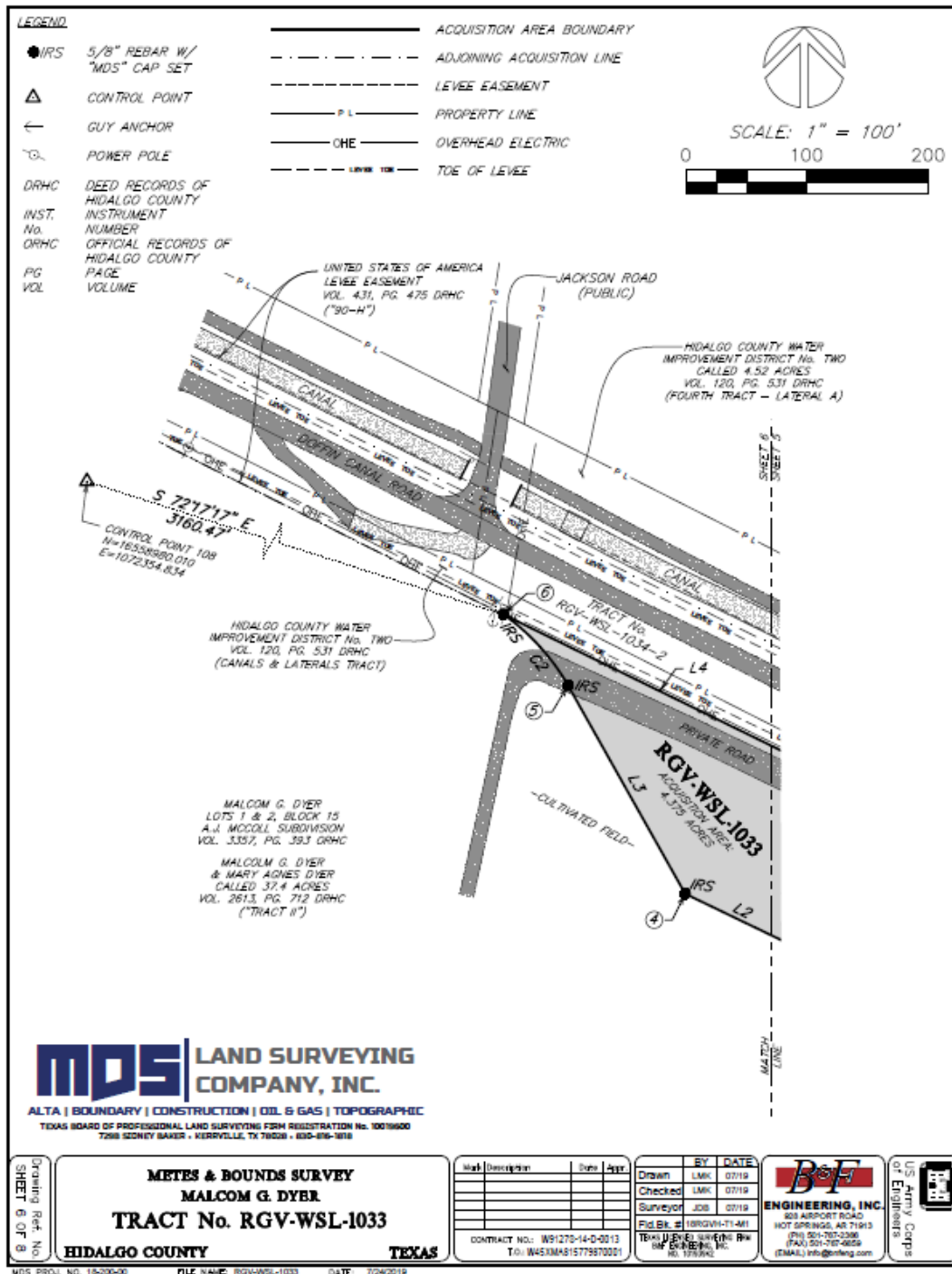
FILE NAME: RGV-WSL-1020

DATE: 5/23/2019

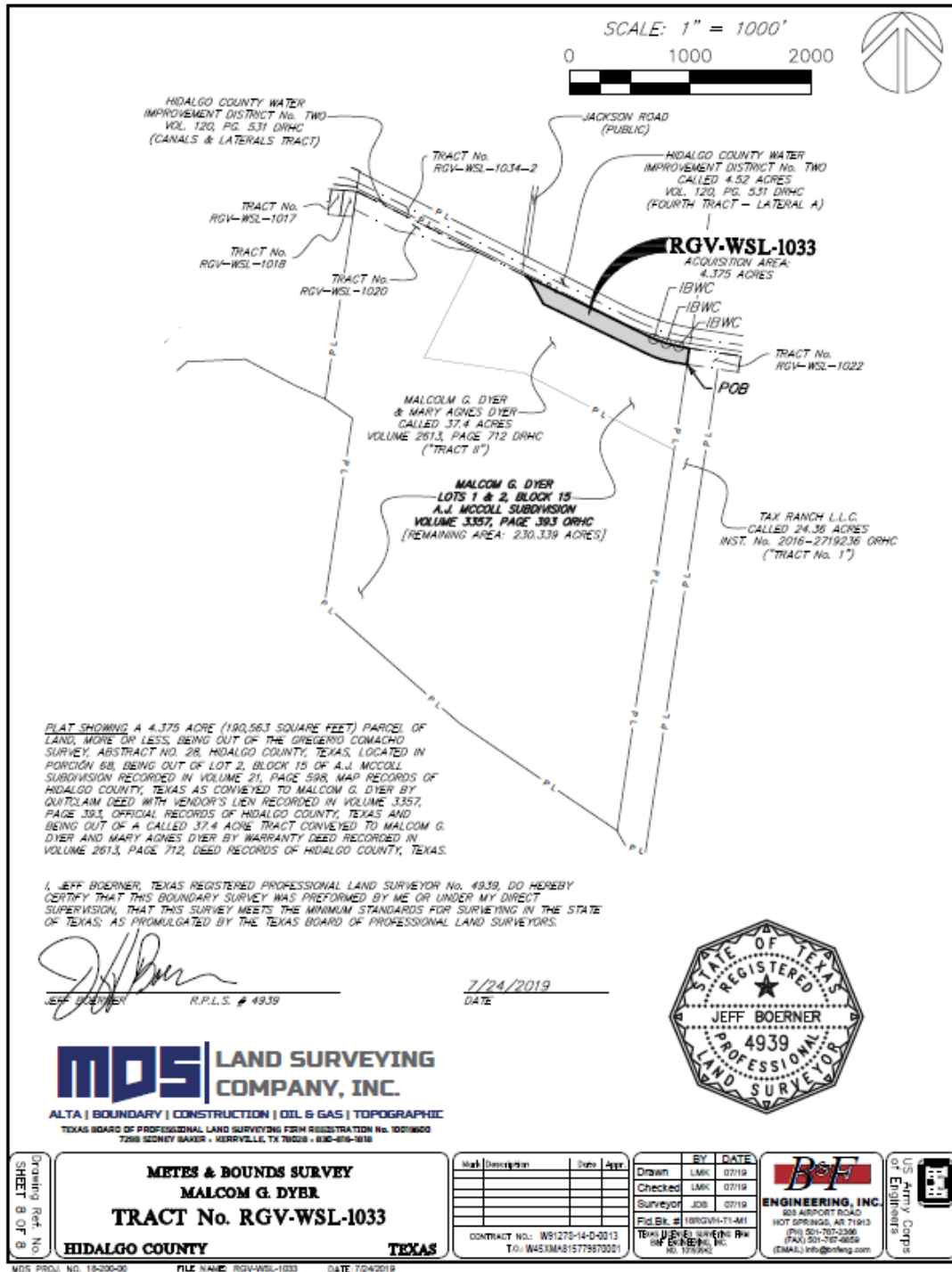
CONTRACT NO.: W91270-14-D-0013
TO: W45XMA515779570001

SCHEDULE D, cont'd

SCHEDULE D, cont'd

SCHEDULE D, cont'd

DATE: 7/24/2019

SCHEDULE D, cont'd

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Hidalgo County, Texas

Tracts: RGV-WSL-1020, RGV-WSL-1033

Owner: Estate of Malcolm G. Dyer, et al.

Acres: 6.900

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in Quitclaim Deed with Vendor's Lien filed October 28, 1992 as document #1992-290047, Hidalgo County Clerk Book 3357, Page 393, and a Warranty Deed filed June 21, 1988 as document #1988-71196, Hidalgo County Clerk Book 2613, Page 712, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E, cont'd



SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is THREE HUNDRED SIX THOUSAND, FOUR HUNDRED TWENTY-SIX DOLLARS AND 00/100 (\$306,426.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Mary Agnes Dyer ██████████ Pharr, Texas ██████████	Quitclaim Deed with Vendor's Lien, Document #1992-290047 ; recorded October 28, 1992, Official Records of Hidalgo County Warranty Deed, Document #1988-71196, volume 2613, page 712; recorded June 21, 1988, Official Records of Hidalgo County
Estate of Malcolm G. Dyer Don Philip Dyer, Co-Executor ██████████ San Antonio, Texas ██████████ Robert Anthony Dyer, Co-Executor ██████████ ██████████ 78504	Quitclaim Deed with Vendor's Lien, Document #1992-290047 ; recorded October 28, 1992, Official Records of Hidalgo County Warranty Deed, Document #1988-71196, volume 2613, page 712; recorded June 21, 1988, Official Records of Hidalgo County
Pablo "Paul" Villarreal, Jr. Hidalgo County Tax Assessor/Collector 2804 S. Business Hwy 281 Edinburg, Texas ██████████	Taxing authority

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE